

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION**

DARIEL MAURICE SLEDGE
Reg. #18302-042

PLAINTIFF

v. No. 2:19-cv-00001-KGB-JTR

TASHONDA ROLFE, Case Manager,
Forrest City-FCC Medium;
NICOLE BURKE, Unit Manager,
Forrest City-FCC Medium;
S. SMITH, Case Manager Coordinator,
Forrest City-FCC Medium; and
DeWAYNE HENDRIX, Warden

DEFENDANTS

RECOMMENDED DISPOSITION

The following Recommended Disposition has been sent to United States District Judge Kristine G. Baker. You may file written objections to all or part of this Recommendation. If you do so, those objections must: (1) specifically explain the factual and/or legal basis for your objection; and (2) be received by the Clerk of this Court within fourteen (14) days of the date of this Recommendation. If you do not file objections, Judge Baker can adopt this Recommendation without independently reviewing all of the evidence in the record. By not objecting, you may waive the right to appeal questions of fact.

I. Discussion

Plaintiff Dariel Maurice Sledge (“Sledge”) filed this *pro se* action alleging

that Defendants violated his constitutional rights while he was a prisoner at the Federal Correctional Institution in Forrest City, Arkansas. *Docs. 2 & 19*.

On July 22, 2019, mail sent to Sledge at his address of record was returned undelivered, with no forwarding address. *Doc. 28*. On July 24, 2019, the Court entered an Order directing Sledge, if he intended to pursue this lawsuit in light of his apparent release, to file before August 26, 2019: (a) a notice of his current mailing address; and (b) a free-world application to proceed *in forma pauperis*. *Doc 29*.

On August 5, 2019, Defendants filed a Notice providing the Bureau of Prisons' most recent address for Sledge. *Doc. 30 at 1*. On August 23, 2019, the Court directed the Clerk to mail to Sledge, at the address provided by Defendants, copies of the mailed items that had been returned, along with another free-world application to proceed *in forma pauperis*. *Doc. 32*. The Court also ordered Sledge, on or before September 6, 2019, to: (a) file a notice confirming his current mailing address; (b) file a free-world application to proceed *in forma pauperis*; and (c) respond to Defendants' pending Motions to Dismiss, including the contention that most of his claims were now moot. *Id.*

The Court's July 24 and August 23, 2019 Orders cautioned Sledge that his failure to comply by the designated deadline would subject his case to dismissal,

without prejudice, pursuant to Local Rule 5.5(c)(2).¹

As of the date of this Recommendation, Sledge has not complied with the Court's July 24 and August 23, 2019 Orders. The time to do so has expired. Sledge has not responded to Defendants' Motions to Dismiss (*Docs. 15 & 23*). Sledge's mail is still being returned undelivered (*Doc. 33*), and he has not provided a current valid address. His last communication with the Court was on March 1, 2019. *Doc. 10*.

II. Conclusion

IT IS THEREFORE RECOMMENDED THAT:

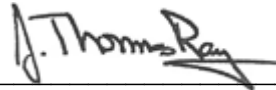
1. This case be DISMISSED, WITHOUT PREJUDICE, due to a lack of prosecution.
2. Defendants' Motions to Dismiss (*Docs. 15 & 23*) be DENIED as moot.
3. The Court CERTIFY, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from any Order adopting this Recommendation would not be

¹On January 9, 2019, the Court advised Sledge of his responsibilities under Local Rule 5.5(c)(2). *Doc. 3*. The Local Rule provides:

It is the duty of any party not represented by counsel to promptly notify the Clerk and the other parties to the proceedings of any change in his or her address, to monitor the progress of the case, and to prosecute or defend the action diligently. A party appearing for himself/herself must sign his/her pleadings and state his/her address, zip code, and telephone number. If any communication from the Court to a pro se plaintiff is not responded to within thirty (30) days, the case may be dismissed without prejudice. Any party proceeding pro se must be expected to be familiar with and follow the Federal Rules of Civil Procedure.

taken in good faith.

DATED this 23rd day of September, 2019.

A handwritten signature in black ink, appearing to read "J. Thomas Ray", is positioned above a horizontal line.

UNITED STATES MAGISTRATE JUDGE